

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL RODIO,

Plaintiff,

v.

Civil Action No. 04 CV 10006 WGY

R.J. REYNOLDS TOBACCO COMPANY,

Defendant.

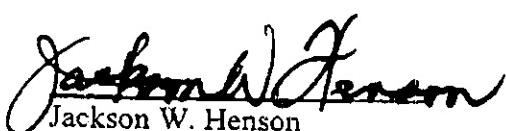
DEFENDANT'S LR 16.1(D)(3) CERTIFICATION

Counsel for Defendant R.J. Reynolds Tobacco Company ("RJRT") and its authorized representative hereby certify that they have conferred: (a) with a view to establishing a budget for the costs of conducting the full course-and various alternative courses—of the litigation, and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

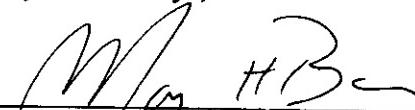
Respectfully submitted,

R.J. REYNOLDS TOBACCO COMPANY R.J. REYNOLDS TOBACCO COMPANY

By,


Jackson W. Henson
Authorized Representative

By its attorneys,


Mark H. Burak, BBO# 558805
Sandra E. Kahn, BBO # 564510
Morse, Barnes-Brown & Pendleton, P.C.
Reservoir Place
1601 Trapelo Road
Waltham, MA 02451
(781) 622-5930
(781) 622-5933 (facsimile)

OF COUNSEL:

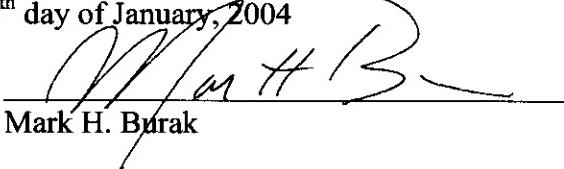


W.R. Loftis, Jr., N.C. Bar No. 2774
Kristine M. Howard, N.C. Bar No. 26903
Candice S. Wooten, N.C. Bar No. 28161
Constangy, Brooks & Smith, LLC
100 North Cherry Street, Suite 300
Winston-Salem, NC 27101
(336) 721-1001
(336) 748-9112 (facsimile)

Dated: January 26, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on all attorneys of record by first class mail this 26th day of January, 2004



Mark H. Burak